



## ***City of El Paso – City Plan Commission Staff Report***

**(REVISED)**

**Case No:** PZDS15-00008  
**Application Type:** Detailed Site Development Plan Review  
**CPC Hearing Date:** May 7, 2015  
**Staff Planner:** Andrew Salloum, 915-212-1613, salloumam@elpasotexas.gov

**Location:** North of Pellicano Drive and West of George Dieter Drive  
**Legal Description:** Lot 2, Block 1, Vista Del Sol Unit Sixty Two, Replat "B", City of El Paso, El Paso County, Texas

**Acreage:** 3.089  
**Rep District:** 7  
**Existing Zoning:** C-2/c (Commercial/conditions)  
**Existing Use:** Vacant  
**C/SC/SP/ZBA/LNC:** Condition: Ordinance No. 17299 dated March 30, 2010  
**Request:** Detailed Site Development Plan Review per Ordinance No. 17299  
**Proposed Use:** Retail and restaurant

**Property Owner:** River Oaks Properties LTD  
**Representative:** SLI Engineering, Inc.

### **SURROUNDING ZONING AND LAND USE**

North: A-3/c (Apartment/conditions) / Apartment complex  
South: C-4 (Commercial) / Vacant  
East: C-4 (Commercial) / Convenience store with gas pump and convalescent home  
West: A-3/c (Apartment/conditions) / Apartment complex

**PLAN EL PASO DESIGNATION:** G-7, Industrial and/or Railyards (East Planning Area)

**NEAREST PARK:** Marty Robbins Park (3,167 feet)

**NEAREST SCHOOL:** Myrtle Cooper Elementary (2,907 feet)

### **NEIGHBORHOOD ASSOCIATION**

Las Palmas Neighborhood Association  
Eastside Civic Association

### **NEIGHBORHOOD INPUT**

Detailed Site Development Plan Review does not require public notification as per Section 20.04.520, Notice of the El Paso City Code.

### **CASE HISTORY**

On March 30, 2010, the subject property was rezoned the Parcel 1 from M-1 (Light Manufacturing) to C-2/c (Commercial/conditions) and the Parcel 2 from M-1 (Light Manufacturing) to A-3/c (Apartment/conditions) with the following conditions imposed by Ordinance No. 17299 (Attachment 4):

Parcel 1 (C-2):

1. *That a detailed site development plan shall be reviewed and approved per the El Paso City Code prior to building permits being issued;*

Condition #1 will be satisfied by this detailed site development plan application.

2. *That a revised traffic impact study shall be submitted at or before the time of application*

*for detailed site development plan review; and*

Condition #2 has been reviewed and approved by EPDOT.

3. *That, in addition to the landscape requirements in the El Paso City Code, a 10' landscaped buffer with high-profile native trees of at least two-inch caliper and 10' in height shall be placed at 15' on center along the north property line that abuts Parcel 2. The landscaped buffer shall be installed prior to the issuance of any certificates of occupancy.*

Condition #3 has been satisfied as shown on detailed site development plan.

4. *The following uses are prohibited: bars and nightclubs.*

Condition #4 is not applicable as the proposed use is new retail and restaurant development.

Parcel 2 (A-3) (Not part of this detailed site development plan application in process):

1. *That a detailed site development plan shall be reviewed and approved per the El Paso City Code prior to building permits being issued;*
2. *That the detailed site development plan designate the same amount of open space and private recreational facilities contained in the conceptual plan submitted as part of the rezoning request (ZON09-00072);*
3. *That a revised traffic impact study shall be submitted at or before the time of application for detailed site development plan review; and,*
4. *That, in addition to the landscape requirements in the El Paso City Code, a 10' landscaped buffer with high-profile natives trees of at least two-inch caliper and 10' in height shall be placed at 15' on center along the east property line that abuts Parcel 1. The landscaped buffer shall be irrigated and maintained by the property owner at all times and shall be installed prior to the issuance of any certificates of occupancy.*

#### **APPLICATION DESCRIPTION**

The request is for a detailed site development plan review as required by Ordinance No. 17299 dated March 30, 2010. The detailed site development plan shows new 18,000 sq. ft. retail building, 35 ft. 3 in. in height and future 3,000 sq. ft. restaurant building,. A maximum of 35 feet in height is permitted, however, a structure may exceed 35 feet in height when an additional setback of one foot is provided from all adjacent yardlines for each foot of height in excess of 35 feet; the plan complies with the city code higher requirement. The development requires a maximum of 102 parking spaces and the applicant is providing 148 parking spaces and 10 bicycle spaces. One tree for every five spaces in excess of the maximum parking requirement shall be required and shall be placed within the entire parking area to provide for even canopy coverage or along the parkway to create a visual buffer between the parking area and the street as shown on detailed site development plan. The additional conditions imposed on subject property require a ten (10) foot wide landscaped buffer abutting the apartment district to the north. The development complies with the minimum landscape area requirements of Title 18.46. Access to the subject property is proposed from George Dieter Drive and Pellicano Drive

#### **PLANNING DIVISION RECOMMENDATION**

The Planning Division recommends **APPROVAL** of the detailed site development plan request as it meets all the requirements of Section 20.04.150, Detailed Site Development Plan.

#### **ANALYSIS**

20.04.140 When required.

Except as stated herein, a detailed site development plan is required prior to development in a special purpose district or with a special permit application and may be required if a zoning condition exists on a particular piece of property. Detailed site development plans are not required for any projects for development in the Mixed Use District (RMU, GMU and IMU) or for any other projects other than those

located in special purpose districts or as otherwise required herein.

*Note: Detailed Site Development Plan review is required due to a condition imposed on the subject property.*

20.04.150 Procedure.

C. Administrative approval. Detailed site development plans meeting the following conditions shall be reviewed and approved by the zoning administrator:

1. The site is two acres or less in size, and
2. The site plan contains no more than two buildings, and
3. The site plan complies with any zoning conditions and all city code provisions, to include the tables for uses and density and dimensional standards and;
4. The city's department of transportation has no concerns with access or restriction of access to the site; and,
5. The site plan complies with staff recommendations concerning the location of stormwater drainage structures and easements to include onsite ponding areas; the location and arrangement of structures, vehicular and pedestrian ways; open spaces and landscape planted areas. Staff recommendations shall not require that the site plan have landscaping in excess of what is required under the city code or any zoning condition.

If the zoning administrator does not approve an applicant's detailed sited development plan, the applicant may appeal the decision to the city plan commission. The applicant must file the appeal with the zoning administrator within fifteen business days from the date of the zoning administrator's decision. The zoning administrator shall place the appeal on the city plan commission agenda to be heard by the commission within thirty business days from the date the appeal was received. The zoning administrator shall include the detailed site plan, the appeal, and a summary of the zoning administrator's reasons for disapproving the detailed site plan.

*Note: the detailed site development plan review is not eligible for administrative approval because the subject property is more than 2 acres in size which requires review by City Plan Commission.*

D. City plan commission approval. Pursuant to this Code, the city plan commission, in addition to the powers and duties identified in this chapter, shall have final authority on approval of all other detailed site development plans, unless a zoning condition, contract provision, other city code provision or state law require the detailed site development plan to be approved by city council.

1. The planning division shall make its recommendations to the city plan commission within thirty days after a complete application is submitted.
2. The city plan commission shall hold a public hearing at its regular meeting that is within thirty days from receipt of department recommendations.
3. The commission shall consider the following information when approving a proposed detailed site development plan: the boundaries of the tract proposed for development; location and arrangement of structures; determine if the use conforms to applicable zoning regulations, determine if historic landmark commission approval has been granted for architectural design of all structures if located in a historic district and the design conforms to such approval; location of utility rights-of-way and easements and stormwater drainage; vehicular and pedestrian ways; on-site parking areas; location of open spaces and landscape planted areas.
4. In no instance shall the city plan commission have authority to vary the yard standards applicable to the district.
5. The city plan commission shall approve the plan if it complies with all applicable code provisions.

*Planning Staff has reviewed the detailed site development plan, and it meets all requirements of 20.04.150, Detailed Site Development Plan, and is recommending approval.*

### **Plan El Paso- Future Land Use Map Designation**

All applications for detailed site plan review shall demonstrate compliance with the following criteria:

G-7 Industrial and/or Railyards: This sector applies to industrial parks, large free-standing industrial uses, refineries, non-military airfields, trucking terminals, and mines, all on large tracts in areas dominated by vehicles. This sector is essential to El Paso's economy; however, when an industrial use becomes obsolete, there can be potential for mixed-use redevelopment of the site. This sector also includes the existing rail yards which could be redeveloped as mixed-use communities if the rail yards were moved out of town.

The purpose of the C-2 (Commercial) district is to accommodate establishments providing goods or rendering services which are used in support of the community's trade and service establishments and serving multi-neighborhoods within a planning area of the city. The regulations of the districts will permit intensities designed to be compatible with each other and to provide for a wide range of types of commercial activity, including light automobile related uses.

### **COMMENTS:**

#### **Planning and Inspections Department - Planning Division - Transportation**

No objections to detailed site development plan.

#### **Texas Department of Transportation**

Not on state roadways.

#### **Planning and Inspections Department – Plan Review**

No objections to the proposed detailed site development plan.

#### **Planning and Inspections Department – Landscaping Division**

Recommended approval.

#### **Planning and Inspections Department – Land Development**

No objections.

#### **Fire Department**

Recommended approval.

#### **Sun Metro**

Sun Metro does not oppose this request. Recommends the construction of sidewalk to permit pedestrian access to mass transit opportunities. Routes 69 and 73 provide service to the area with multiple bus stops located within ¼ mile of the subject site along George Dieter Drive and Pellicano Drive.

#### **El Paso Water Utilities**

The El Paso Water Utilities – Public Service Board (EPWU) does not object to this request.

EPWU-PSB Comments

Water:

Along George Dieter Drive between Rex Baxter Drive and Pellicano Drive there is an existing twenty-four (24) inch diameter water transmission main. This main is not available for service, no direct service connections are allowed to this main as per the El Paso Water Utilities - Public Service Board Rules & Regulations.

At the intersection of Scott Simpson Drive and George Dieter Drive there is an existing eight (8) inch diameter water main stub-out. This stub-out is aligned from east to west and extends from the east right-of-way to the west right-of-way of George Dieter Drive. This stub-out is available for water main extensions. Water main extensions from the described stub-out may be required in order to provide

service to the subject Property.

Along Pellicano Drive between Cedar Oak Street and George Dieter Drive there is an existing twelve (12) inch diameter water main. This main is available for service.

Previous water pressure readings from fire hydrant number 5409 located at the corner of George Dieter Drive and Pellicano Drive have yielded a static pressure of 80 pounds per square inch, a residual pressure of 78 pounds per square inch, and a discharge of 1,061 gallons per minute.

Private water pressure regulating devices will be required at the discharge side of each water meter. The Developer shall include in the sale of contract documents that the lot/home buyer shall acquire ownership of the above-described water pressure regulating devices to be located at the discharge side of the water meters. Additionally, the lot/home buyer shall be responsible for the operation and maintenance of the above-described water pressure regulating devices.

Sanitary Sewer:

Along George Dieter Drive from Pellicano Drive to the El Paso Natural Gas Company (EPNG) Easement there is an existing eight (8) inch diameter sanitary sewer main. This main dead-ends south of the EPNG Easement. This main is available for service. There is a sanitary sewer service stub-out aligned perpendicular to this described main that discharges unto this described main. The eight (8) inch diameter stub-out extends from the main to the westernmost right-of-way line of George Dieter Drive approximately 100 feet south of the southernmost right-of-way line of Scott Simpson Street; this stub-out is available for proposed main extensions.

Along Pellicano Drive between Cedar Oak Street and George Dieter Drive there is an existing eight (8) inch diameter sanitary sewer main. This main is available for service.

General:

If the City of El Paso Fire Department requires additional fire hydrants on Public right-of-way and/or an on-site fire protection system within the private property, the property owner is responsible for all costs incurred to extend, relocate and construct water mains and appurtenances to provide this service. The owner is responsible for the costs of any necessary on-site & off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

Easements within the Property will be required if the development of the subject Property dictates the extension of public water and sanitary sewer mains.

All easements dedicated for public water and/or sanitary sewer facilities are to comply with EPWU-PSB Easement Policy.

Easement grantor shall indemnify, defend, and hold harmless the El Paso Water Utilities – Public Service Board from and against any and all claims, liability, actions, and damages for bodily injury and property damage to third parties or to the El Paso Water Utilities – Public Service Board which may be caused by or arise out of the maintenance and existence of said water and sanitary sewer mains in the easement area. The alignment and location of the proposed EPWU-PSB easement shall enable the placement of water meters outside of the parking areas and minimize the length of services.

No vehicular traffic is allowed over the water meters. EPWU-PSB requires access to the proposed water, sanitary sewer facilities, appurtenances, and meters within the easement 24 hours a day, seven (7) days a week.

No building, reservoir, structure or other improvement, other than asphaltic paving (HMAC), shall be constructed or maintained on the above referenced El Paso Water Utilities - Public Service Board Easements (EPWU-PSB easements) without the written consent of EPWU-PSB.

The PSB easement shall be improved to allow the operation of EPWU maintenance vehicles.

Proposed surface improvements such as paving, landscaping, other types of low maintenance surfacing shall be reviewed for approval by EPWU-PSB.

Use of low maintenance easement surface improvements is required. The Owner of the property is responsible for maintenance of the easement surface; surface maintenance is not the responsibility of EPWU-PSB.

The El Paso Water Utilities requires a finalized set of improvement plans including drainage and grading plans to initialize the design of the water and sanitary sewer main extensions to serve subject subdivision. The owner is responsible for the costs of any necessary on-site & off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances. Furthermore, application for services for subject subdivision must be made in conjunction with the request for water and sanitary sewer main

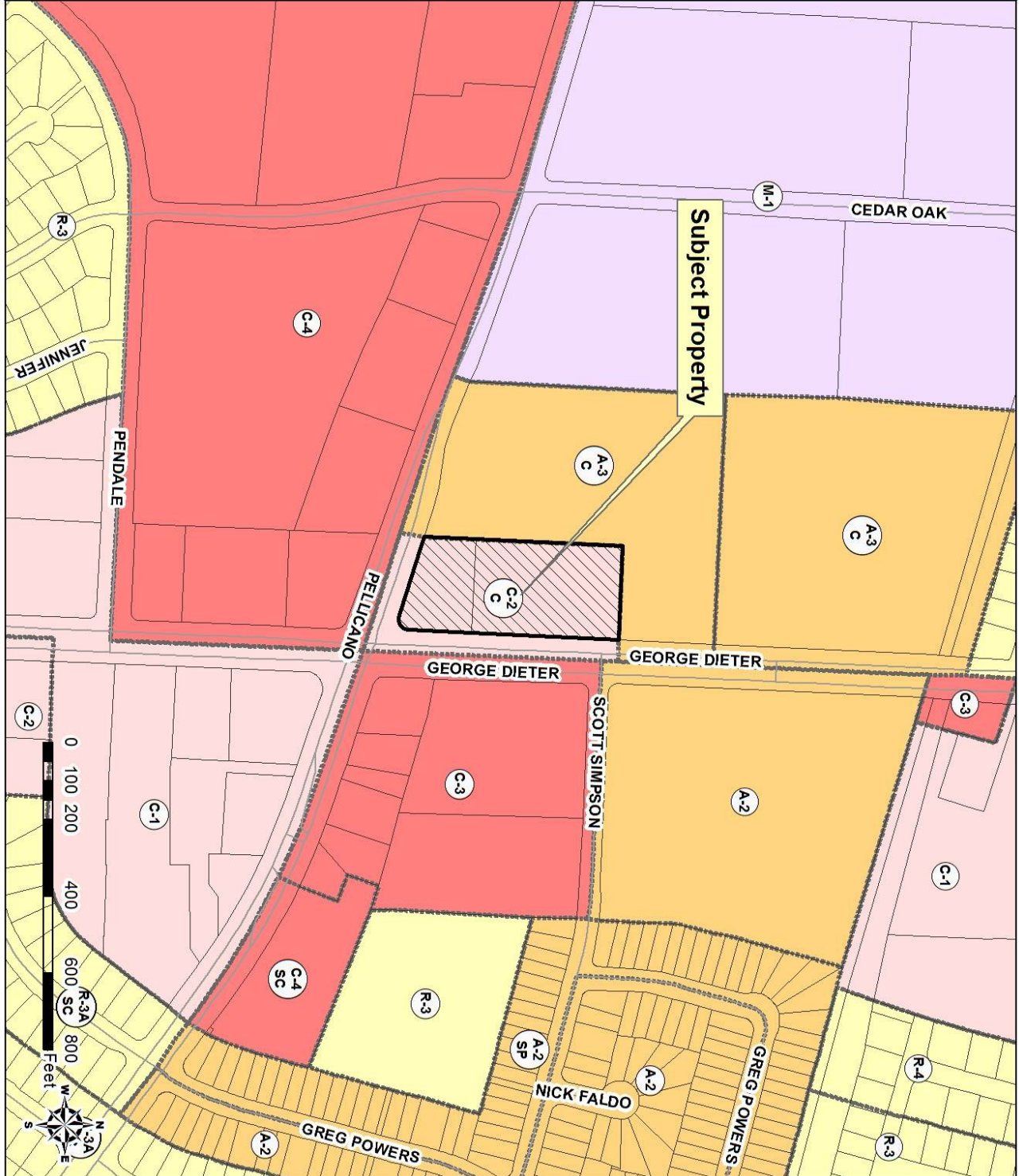
extensions. The improvement plans should include a site plan, a utility plan, grading & drainage plans, landscaping plan (if applicable), the legal description of the property, and a certificate-of-compliance which are required at the time of application. The certificate-of-compliance can be obtained at City Hall.

**Attachments**

1. Zoning Map
2. Aerial Map
3. Detailed Site Development Plan
4. Ordinance No. 17299 dated March 30, 2010

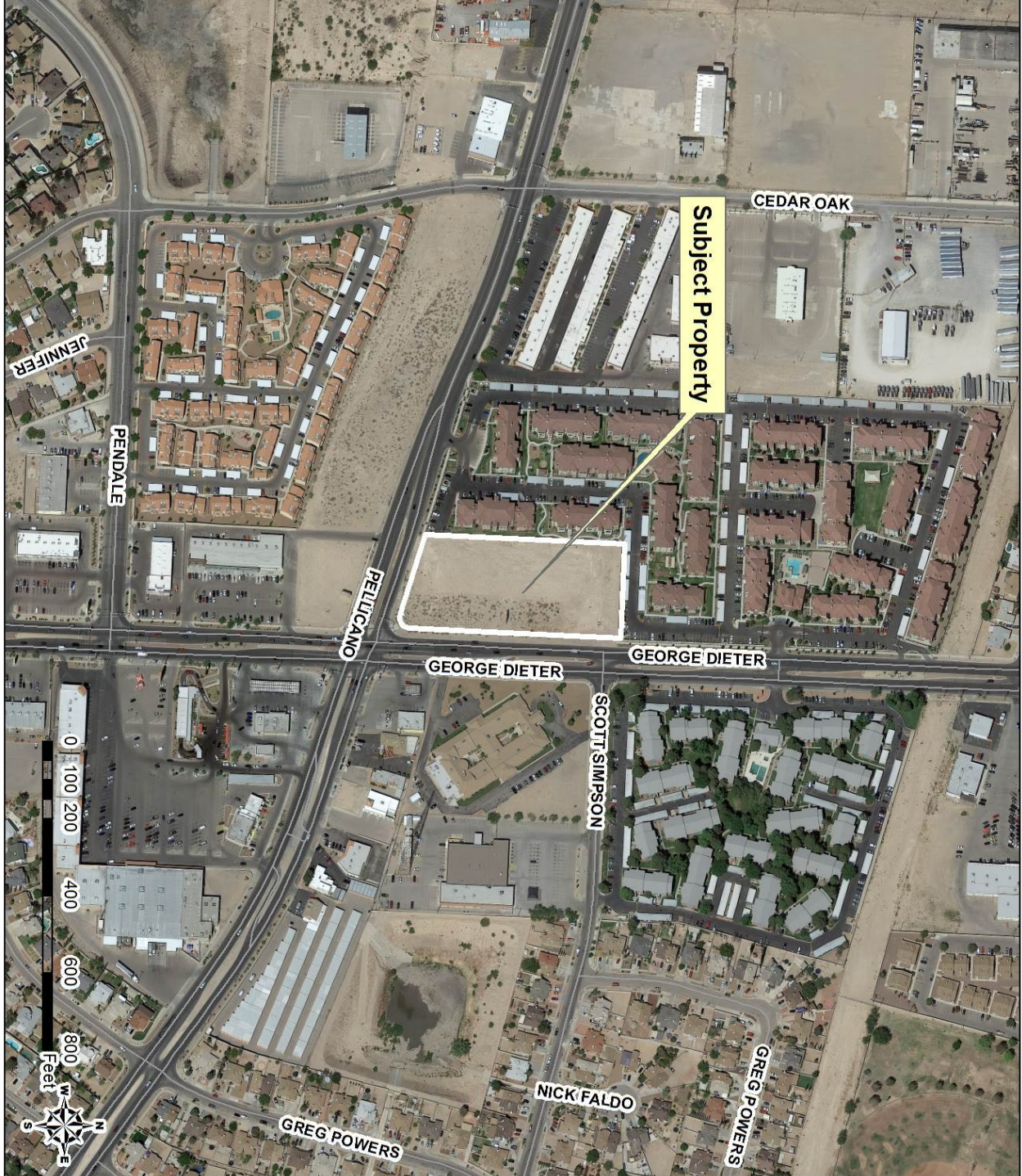
ATTACHMENT 1: ZONING MAP

PZDS15-00008



ATTACHMENT 2: AERIAL MAP

PZDS15-00008



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**ATTACHMENT 4: ORDINANCE NO. 17299 DATED MARCH 30, 2010**

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**ORDINANCE NO.**

**AN ORDINANCE CHANGING THE ZONING OF THE FOLLOWING REAL PROPERTY DESCRIBED AS:**

**PARCEL 1: A PORTION OF LOT 1, BLOCK 300, VISTA DEL SOL UNIT 62, REPLAT A, CITY OF EL PASO, EL PASO COUNTY, TEXAS, BE CHANGED FROM M-1 (LIGHT MANUFACTURING) TO C-2 (COMMERCIAL), AND IMPOSING CONDITIONS; AND**

**PARCEL 2: A PORTION OF LOT 1, BLOCK 300, VISTA DEL SOL UNIT 62, REPLAT A, CITY OF EL PASO, EL PASO COUNTY, TEXAS, BE CHANGED FROM M-1 (LIGHT MANUFACTURING) TO A-3 (APARTMENT), AND IMPOSING CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the zoning of the following property be changed as described below within the meaning of the zoning ordinance and that the zoning map of the City of El Paso be revised accordingly:

**Parcel 1:** *A portion of Lot 1, Block 300, Vista Del Sol Unit 62, Replat A, City of El Paso, El Paso County, Texas, and more particularly described by metes and bounds on the attached Exhibit "A", incorporated by reference, be changed from M-1 (Light Manufacturing) to C-2/c (Commercial/conditions); and,*

**Parcel 2:** *A portion of Lot 1, Block 300, Vista Del Sol Unit 62, Replat A, City of El Paso, El Paso County, Texas, and more particularly described by metes and bounds on the attached Exhibit "B", incorporated by reference, be changed from M-1 (Light Manufacturing) to A-3/c (Apartment/conditions); and,*

Further, that the property described above be subject to the following conditions which are necessitated by and attributable to the increased density of use generated by the change of zoning in order to protect the health, safety and welfare of the adjacent property owners and the residents of this City:

**Parcel 1:**

1. *That a detailed site development plan shall be reviewed and approved per the El Paso City Code prior to building permits being issued;*
2. *That a revised traffic impact study shall be submitted at or before the time of application for detailed site development plan review; and*
3. *That, in addition to the landscape requirements in the El Paso City Code, a 10' landscaped buffer with high-profile native trees of at least two-inch caliper and 10' in height shall be placed at 15' on center along the north property line that abuts Parcel 2. The landscaped buffer shall be irrigated and maintained by the property owner at all times and shall be installed prior to the issuance of any certificates of occupancy.*

#54736 v1 - Planning/ORD/ZON09-00072/Rezoning Parcel 1 and 2 with conditions/Ernesto Moreno

**ORDINANCE NO.**

**017299**

Document Author: LCUE

**Zoning Case No: ZON09-00072**

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4. The following uses are prohibited: bars and nightclubs.

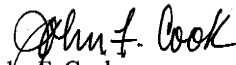
**Parcel 2:**

1. That a detailed site development plan shall be reviewed and approved per the El Paso City Code prior to building permits being issued;
2. That the detailed site development plan designate the same amount of open space and private recreational facilities contained in the conceptual plan submitted as part of the rezoning request (ZON09-00072);
3. That a revised traffic impact study shall be submitted at or before the time of application for detailed site development plan review; and
4. That, in addition to the landscape requirements in the El Paso City Code, a 10' landscaped buffer with high-profile native trees of at least two-inch caliper and 10' in height shall be placed at 15' on center along the east property line that abuts Parcel 1. The landscaped buffer shall be irrigated and maintained by the property owner at all times and shall be installed prior to the issuance of any certificates of occupancy.

SCANNED

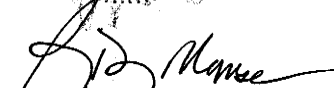
PASSED AND APPROVED this 30<sup>th</sup> day of March, 2010.

THE CITY OF EL PASO

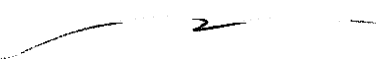
  
John F. Cook  
Mayor



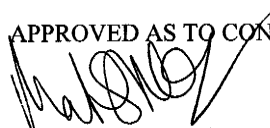
ATTEST:

  
Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

  
Lupe Cuellar  
Assistant City Attorney

APPROVED AS TO CONTENT:

  
Mathew S. McElroy  
Deputy Director - Planning  
Development Services Department

#54736 v1 - Planning/ORD/ZON09-00072 Rezoning 16-01-1 and 2 with conditions/Ernesto Moreno

ORDINANCE NO.

017299

Zoning Case No: ZON09-00072

El Paso, TX 79901-1130  
Document Author: LCUE